

HAWAII STATE

HOUSE OF REPRESENTATIVES

REGULAR SESSION OF 2012

***ROUGH DRAFT
JOURNAL***

NINTH DAY

FEBRUARY 1, 2012

OFFICE OF THE CHIEF CLERK

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NINTH DAY

Wednesday, February 01, 2012

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2012, convened at 12:04 o'clock p.m., with Vice Speaker Manahan presiding.

The invocation was delivered by Representative Corinne W.L. Ching, after which the Roll was called showing all Members present with the exception of Representatives Okamura and Say, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Eighth Day was deferred.

DEPARTMENTAL COMMUNICATIONS

The following departmental communications (Dept. Com. Nos. 66 and 67) were received by the Clerk and were placed on file:

Dept. Com. No. 66, dated January 27, 2012, from Bernice K.N. Mau, City Clerk, City and County of Honolulu, informing the House that the following Resolutions were adopted by the Council of the City and County of Honolulu at its meeting on Wednesday, January 25, 2012:

Resolution 11-308, CD1: Urging the Legislature to pass legislation requiring motor vehicle insurance carriers to provide information to the counties on uninsured drivers

Resolution 11-366, CD1, FD1: Expressing support for Hawaii to pursue the bid to host the 2016 International Union for Conservation of Nature World Conservation Congress

Resolution 12-3: Urging the State Legislature to amend Chapter 103D, Hawaii Revised Statutes to improve the Hawaii Procurement Code

Dept. Com. No. 67, dated January 30, 2012, from Scott T. Nago, Chief Election Officer, Office of Elections, transmitting the Report to the Legislature in accordance with Section 31 of Act 164, SLH 2011.

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative Ching acknowledged and introduced members of the Hawaii Chocolate and Cacao Association and the Hawaii-grown cacao industry:

HC&CA President Mr. Derek Lanter, President of Wailua Estate Coffee and Chocolate who was represented by Mr. Mike Conway, Manager of Agriculture Operations at Pineapple, Coffee & Cacao at Dole Cannery;

HC&CA Vice President, Mr. Dave Elliott of Madre Chocolate;

HC&CA Secretary Ms. Seneca Clawson Kokoleka;

Ms. Melanie Boudar of Maui Sweet Paradise;

Ms. Miki Azuchi and Mr. Nathan Sato of Malie Kai Chocolates;

Mr. Skip Bittenbender of the University of Hawaii College of Tropical Agriculture and Human Resources;

Ms. Amy Hammond, Executive Director of HC&CA, and Executive Director of the 'Made in Hawaii' Festival; and

Ms. Pam Boyer and Ms. Annie Suite of Haleiwa Farmers' Market; and

Mr. Dylan Butterball of Manoa Chocolate, Hawaii.

Representative Ching also introduced her former staff, Ms. Elise Anderson who was accompanied by work-study students from Poland: Ms. Monika Raszewska, Ms. Aneta Rogowska, and Ms. Oliwia Lasicka.

Representative Marumoto, on behalf of Representatives Nishimoto, Say and herself, introduced 5th grade students from Kaimuki Christian School. They were accompanied by their teachers, Ms. Jane McClair and Ms. Chau Sachs; skills trainer, Ms. Chevelle Acosta; and chaperones, Ms. Joyce Watanabe, Ms. Elaine Kawazoe, Mr. Welton Wong and Ms. Masako Lieu.

At 12:14 o'clock p.m. Representative Evans requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:22 o'clock p.m.

ORDER OF THE DAY

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering certain House Bills for Final Reading by consent calendar. (Representatives Okamura and Say were excused.)

UNFINISHED BUSINESS

Conf. Com. Rep. No. 1-12 and H.B. No. 608, HD 3, SD 1, CD 1:

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 608, HD 3, SD 1, CD 1, pass Final Reading, seconded by Representative Evans.

At this time, Representative Yamane offered Floor Amendment No. 1, amending H.B. No. 608, HD 3, SD 1, CD 1, as follows:

"SECTION 1. House Bill No. 608, H.D. 3, S.D. 1, C.D. 1, (RELATING TO HEALTH), is amended by amending Section 2 to read as follows:

"SECTION 2. The legislature finds that organ transplantation is a life-saving therapy for many critically ill patients with end-stage diseases. More than one hundred ten thousand patients are on the national organ transplant waiting list; four hundred seven of those patients are Hawaii residents.

Funding is critical to maintain a federally-recognized stage 3 chronic kidney disease program that focuses on prevention for disparate populations in Hawaii. Without operational organ transplant services in the State, patients with end-stage diseases must register on transplant waiting lists for mainland transplant centers and many of these patients will face a longer waiting time to receive a donor organ at a transplant center on the mainland than at a transplant center in Hawaii. The increased waiting time for an organ may mean that the sickest of those patients may not survive long enough for a donor organ to become available. In addition to the increased waiting time, many waitlisted patients in the State will have the additional burden of relocating to other areas of the country, away from friends and family, while awaiting a donor organ and during their recovery.

An emergency appropriation is necessary to preserve and save the lives of individuals combating organ failure by providing them with access to organ transplantation in the State and giving them quality care and treatment throughout their operation and recovery.

National Kidney Foundation of Hawaii provides a federally-recognized chronic kidney disease management program in Hawaii. It meets the eligibility requirements of section 42F-103, Hawaii Revised Statutes, for recipients of grants and subsidies. The Queen's Medical Center is establishing a kidney and liver transplant program in Hawaii. It also meets the eligibility requirements of section 42F-103, Hawaii Revised Statutes, for recipients of grants and subsidies, with the exception of approval as a member of the Organ Procurement and Transplantation Network/United

Network for Organ Sharing with designations as a liver transplant program and a kidney and living donor kidney transplant program, for which it has applied and which it expects to receive approval on or before February 15, 2012.

The purpose of this Act is to appropriate emergency funds, subject to dollar-for-dollar private matching funds, to support services by The Queen's Medical Center to perform kidney and liver transplants in Hawaii, and by the National Kidney Foundation of Hawaii to maintain its chronic kidney disease management program."

SECTION 2. House Bill No. 608, H.D. 3, S.D. 1, C.D. 1, (RELATING TO HEALTH) is amended by amending Section 3 to read as follows:

"SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,500,000 or so much thereof as may be necessary for fiscal year 2011-2012 as a grant pursuant to chapter 42F, Hawaii Revised Statutes, for The Queen's Medical Center to support services to perform kidney and liver transplants in Hawaii; provided that:

- (1) No funds appropriated under this Act shall be expended unless matched dollar-for-dollar with private funds; and
- (2) Any private matching funds obtained for the purposes of this Act shall have priority in being encumbered over public funds.

The sum appropriated shall be expended by the department of health for the purposes of this Act."

SECTION 3. House Bill No. 608, H.D. 3, S.D. 1, C.D. 1, (RELATING TO HEALTH) is amended by deleting Section 4.

SECTION 4. House Bill No. 608, H.D. 3, S.D. 1, C.D. 1, (RELATING TO HEALTH) is amended by adding two new sections to read as follows:

"SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$300,000 or so much thereof as may be necessary for fiscal year 2011-2012 as a grant pursuant to chapter 42F, Hawaii Revised Statutes, for National Kidney Foundation of Hawaii to maintain its chronic kidney disease management program; provided that:

- (1) No funds appropriated under this Act shall be expended unless matched dollar-for-dollar with private funds; and
- (2) Any private matching funds obtained for the purposes of this Act shall have priority in being encumbered over public funds.

The sum appropriated shall be expended by the department of health for the purposes of this Act.

SECTION 5. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable."

SECTION 5. House Bill No. 608, H.D. 3, S.D. 1, C.D. 1, (RELATING TO HEALTH) is amended by renumbering Section 5 to Section 6 and amending it to read as follows:

"SECTION 6. This Act shall take effect upon its approval; provided that section 3 of this Act shall take effect on the date on which The Queen's Medical Center obtains approval as a member of the Organ Procurement and Transplantation Network/United Network for Organ Sharing with designations as a liver transplant program and a kidney and living donor kidney transplant program, and provided that a copy of the document evidencing the approval is delivered to the department of health.""

Representative Yamane moved that Floor Amendment No. 1 be adopted, seconded by Representative Morikawa.

Representative Yamane rose to speak in support of the proposed floor amendment, stating:

"Thank you, Mr. Speaker. Members, I offer this Floor Amendment to HB 608, which seeks to clarify the method of funding of the emergency appropriation to the federally recognized Chronic Kidney Disease Management Program in Hawaii, and a qualified member of the United Network for Organ Sharing transplantation network under the eligibility requires as described in section 42F-103.

"Mr. Speaker and Members, this Floor Amendment is a culmination of work between the Attorney General, the Administration, the House and Senate leadership, as well as both the Kidney Foundation, and Queen's Hospital.

"Members, the language that we passed in the original HB 608 in Conference we felt was adequate. However, in further working with the Administration, to expedite the expenditure of \$1.8 million for Queen's Hospital and the Hawaii Kidney Foundation, we felt that it would be best to tailor the language to ensure that the money got to them in an expedited manner.

"So Mr. Speaker, all the participants and the members working on this bill have agreed to the current language before you. Thank you, Mr. Speaker."

The motion that Floor Amendment No. 1, amending H.B. No. 608, HD 3, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," be adopted, was put to vote by the Chair and carried. (Representatives Okamura and Say were excused.)

At 12:25 o'clock p.m. the Chair noted that Floor Amendment No. 1, was adopted.

Conf. Com. Rep. No. 4-12 and H.B. No. 905, HD 1, SD 1, CD 1:

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 905, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DELIVERY OF GOVERNMENT SERVICES," passed Final Reading by a vote of 49 ayes, with Representatives Okamura and Say being excused.

At 12:25 o'clock a.m., the Chair noted that the following bill passed Final Reading:

H.B. No. 905, HD 1, SD 1, CD 1

REPORTS OF STANDING COMMITTEES

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 22-12) recommending that H.B. No. 1730, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1730, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LAND USE COMMISSION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Okamura and Say being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 23-12) recommending that H.B. No. 1944, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1944, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII ASSOCIATION OF CONSERVATION DISTRICTS," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura and Say being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 24-12) recommending that H.B. No. 1880, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1880, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE TRANSFER FEES," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representatives Okamura and Say being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 25-12) recommending that H.B. No. 2178, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2178, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROCUREMENT CODE," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura and Say being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 26-12) recommending that H.B. No. 2265, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2265, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PROCUREMENT CODE," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura and Say being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 27-12) recommending that H.B. No. 2311, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2311, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representatives Okamura and Say being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 28-12) recommending that H.B. No. 1764, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1764, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENCY OF APPOINTIVE OFFICERS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Okamura and Say being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 29-12) recommending that H.B. No. 1847, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1847, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura and Say being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 30-12) recommending that H.B. No. 1858, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1858, entitled: "A BILL FOR AN ACT RELATING TO WORKFORCE INFORMATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura and Say being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 31-12) recommending that H.B. No. 1756, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1756, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," passed Second Reading and was referred to the Committee on Finance, with Representatives Okamura and Say being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 32-12) recommending that H.B. No. 1885, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 1885, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Pine rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1885, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," passed Second Reading and was referred to the Committee on Judiciary, with Representative Pine voting no, and with Representatives Okamura and Say being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 33-12) recommending that H.B. No. 2069, as amended in HD 1, pass Second Reading and be referred to the Committee on Tourism.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 2069, HD 1, pass Second Reading and be referred to the Committee on Tourism, seconded by Representative Evans.

Representative Riviere rose to speak in support of the measure with reservations, stating:

"Thank you. Reservations please. I'm not seeing the State interest in telling homeowners' associations and buildings what they should or should not charge in rents. So for that, I vote with reservations."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2069, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Tourism, with Representatives Okamura and Say being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 34-12) recommending that H.B. No. 101, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 34-12 on H.B. No. 101, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 101, HD 2, were made available to the Members of the House.

Representative Coffman, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 35-12) recommending

that H.B. No. 425, as amended in HD 1, be recommitted to the Committee on Energy & Environmental Protection.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 425, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," was recommitted to the Committee on Energy & Environmental Protection, with Representatives Okamura and Say being excused.

INTRODUCTION OF RESOLUTIONS

The following resolution (H.C.R. No. 35) was announced by the Clerk and the following action taken:

H.C.R. No. 35, entitled: "HOUSE CONCURRENT RESOLUTION AWARDING THE HAWAII MEDAL OF HONOR TO UNITED STATES MILITARY SERVICE MEMBERS WITH HAWAII CONNECTIONS KILLED IN ACTION WHILE SERVING IN DANGEROUS, VOLATILE, AND UNSTABLE AREAS OF THE WORLD, INCLUDING IRAQ AND AFGHANISTAN," was offered by Representative Say.

Representative Chong moved that H.C.R. No. 35 be adopted, seconded by Representative Ward.

Representative Takai rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support of this measure. Thank you. In 2005, this Legislature passed Act 21, establishing the Hawaii Medal of Honor. And I recall thinking how we as a State and the Hawaii State Legislature needed to support the families of our fallen heroes. The Hawaii Medal of Honor was our way of expressing our deepest appreciation to these brave service men and women. We offer this honor as small token that can never in itself repay the honor that has been given to us. An honor born of courage, driven by duty, and paid for in loss. The Hawai'i Medal of Honor is reserved for those who have touched our islands and have felt the touch of our people.

"These medals symbolize our aloha, our farewell to those we have lost. But also our love for those who have lived among us, touched us and sacrificed for us. A grateful State best honors and remembers the sacrifices of those who have served our nation by living our lives in deepest appreciation of our freedom. That is what they defended, and that is what they fought and died for. It has been almost 9 years since this war began and between March 29th, 2003, and December 31st of last year, we in Hawai'i have lost 308 service members.

"Just last year we lost 24 service members Mr. Speaker, and I did want to spend some time talking a little bit about some of them who will be recognizing shortly. On May 23rd, 2011, an IED explosion cost us the lives of four Schofield soldiers. Private First Class Thomas Allers, Army Specialist William Blevins, Private First Class Andrew Krippner, and Staff Sergeant Kristofferson Lorenzo.

"On August 6th, 2011, we lost an entire Chinook. Thirty American heroes died of which one in particular will receive this medal. Craig Vickers, a 1992 graduate of Maui High School, and in fact the Maui Interscholastic League Defense Football Player of the Year was among the 30 who died. That Chinook was crewed by five from the 7th Battalion 158 Aviation Regiment, and the 2nd Battalion 135th Aviation Regiment. Just a few weeks prior, those aviators replaced our very own Bravo Company 1st Battalion, 171 Aviation Regiment. If this would have occurred just a few days before, we would have lost five of our own.

"The last person we recognize this year, Staff Sergeant Joseph Altmann, was only 27 years old and he was assigned to Schofield Barracks. He died on December 25th, 2011, Christmas Day. Those are few people, Mr. Speaker.

"You know when we passed this, one of the regrets that I have was that we weren't, well I wasn't diligent enough to cover some of the people that are not on this list. I just wanted to mention to our colleagues, why Lance Corporal Harry Lew is not on this list. In fact, he is among ten others who are not eligible for this medal, because he and the ten others committed suicide.

"And you know, Mr. Speaker having experienced being deployed, I believe that any suicide in theater is war-related, and should be recognized. In fact President Barack Obama for the first time ever has recognized service members who took their own lives, and now he writes the same letter to the families of these fallen service members that are written of all the other ones that were killed in action. That is a regret, and I just wanted to make perfectly clear that if we can, one of these days, I want to recognize and acknowledge the families of these fallen heroes who right now don't qualify for this medal. Thank you.

Representative McKelvey rose to yield his time, and the Chair "so ordered."

Representative Takai continued, stating:

"Thank you. So by this Concurrent Resolution, Mr. Speaker, this year's Hawaii Medal of Honor will be awarded to family representatives of these fine men and women at a ceremony held in Joint Session of this State Legislature on Wednesday, March 28th at 2:00pm in the Chamber.

"Families invited are from far off towns like Blairstown, New Jersey, and Rosemount Minnesota, and as close to home as Kailua-Kona, and Vickers, family from Kokomo on Maui. We honor the families and friends and colleagues of the fallen who have sacrificed and who have themselves paid a price, and who helped make this year's honorees the brave, strong individuals that we called on and counted on to serve our nation.

"Mr. Speaker, I urge our colleagues to support this. Thank you. I also request to insert additional written comments," and the Chair "so ordered."

Representative Takai's written remarks are as follows:

"Mr. Speaker, I speak in strong support of this measure.

"In 2005, the Legislature passed Act 21, establishing the Hawaii Medal of Honor. I recall thinking how we as a state and as the Hawaii State Legislature needed to support the families of our fallen heroes. The Hawaii Medal of Honor was our way of expressing our deepest appreciation to these brave service men and women. We offer this honor as a small token that can never in itself repay the honor that has been given us. An honor borne of courage, driven by duty, and paid for in loss.

"The Hawaii Medal of Honor is reserved for those who have touched our islands, and have felt the touch of our people. These medals symbolize our aloha; our farewell to those we have lost. But also our love for those who have lived among us, touched us, and sacrificed for us. And our enduring welcome for all represented here today, the fallen and their families, who will be counted among us forever.

"And in offering it to those that will gather here, in memory of those who have fallen, we recognize that they are a part of us. Wherever each of these medals finds its final home, a piece of our hearts goes with it. They will always be a part of our *ohana*, our family, because they have brought us honor, and allowed us to share these lives. While this medal can't take away the pain of losing a loved one, it shows that Hawaii will never forget them.

"A grateful state best honors and remembers the sacrifices of those who have served our nation by living our lives in deepest appreciation of our freedom. That is what they defended. That is what they fought and died for.

"It has been almost nine years since the War on Terrorism began. Between March 29, 2003 and December 31, 2011, we in Hawaii have lost 308 service members. We lost 24 service members this past year.

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"Here are some of their stories:

"Kraig Vickers, a 1992 graduate of Maui High School and a Maui Interscholastic League defense football player of the year, was among 30 Americans who died in a U.S. military helicopter shot down during fighting in Afghanistan on August 6, 2011. Vickers was 36 years old. He was the husband to Nani Vickers and father of two young children and one that was about to be born. But he was there, in country, part of a Navy Bomb Disposal Team. He was one of the twenty of the Navy SEALs killed that were part of the naval Special Warfare Development Group. Their deaths are believed to be the greatest single loss of life ever suffered by the U.S. special operations community in the 24-year history of the U.S. Special Operations Command.

"Tied to this story is the fact that the Chinook helicopter that went down was part of the replacement unit for the Hawaii National Guard's B Company whose members reunited with family and friends at the Wheeler Army Airfield on August 10, 2011. Had the soldiers with B Company, 1st Battalion, 171st Aviation Regiment stayed in Afghanistan just weeks longer, the ill-fated mission to deliver those Navy SEALs and others troops would likely have been theirs.

"Four soldiers assigned to the 2nd Battalion, 27th Infantry Regiment, 3rd Brigade Combat Team, 25th Infantry Division from Schofield Barracks, Hawaii died on May 23, 2011 in Nari District, Kunar Province, Afghanistan, of wounds suffered when enemy forces attacked his unit with an improvised explosive device. They were Staff Sergeant Kristofferson B. Lorenzo, Specialist William S. Blevins, Private First Class Andrew M. Krippner and Private First Class Thomas C. Allers. These four brothers, forever tied in death, paid the ultimate sacrifice in defense of their country.

"Army Staff Sergeant Joseph J. Altmann was killed in action of Christmas Day -- December 25, 2011 -- when insurgents attacked his unit with small arms fire. He was 27.

"One issue that we still have unresolved is whether or not to honor those who death is the result of self-inflicted action or suicide. Since the inception of this medal, eleven service members died while in country because of self-inflicted wounds or unspecified reasons. Over the past year, there have been three deaths some would feel were unnecessary. All were in support of Operation Enduring Freedom.

"Marine Corps Lance Corporal Harry Lew of Santa Clara, California died on April 3, 2011. He was 21. Army Specialist Brian D. Riley Jr. of Longwood, Florida died on May 15, 2011. He was 24. Army Specialist Jinsu Lee of Chatsworth, California died on August 5, 2011. He was 34.

"Their stories vary but the result are the same. For this reason, the remaining question lingers -- would they have died in they were not in that there at that time and in those circumstances and condition of war?

"By this concurrent resolution, Mr. Speaker, this year's Hawaii Medal of Honor will be awarded to family representatives of these fine men and women at a ceremony held during a Joint Session of the Legislature on Wednesday, March 28, 2012 at 2 p.m. in this Chamber. Families will be invited from far-off towns like Blairstown, New Jersey and Rosemount, Minnesota to as close as Kailua-Kona on the Big Island and Kokomo on Maui to attend this ceremony.

"We honor the family, friends and colleagues of the fallen who have sacrificed, who have themselves paid a price, and who helped make this year's honorees the brave, strong individuals that we called on and counted on to serve our nation.

"I urge passage of House Concurrent Resolution 35. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and H.C.R. No. 35 was adopted, with Representatives Okamura and Say being excused.

ANNOUNCEMENTS

At 12:37 o'clock p.m. Representative Ward requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:37 o'clock p.m.

Representative Ward: "Thank you, Mr. Speaker. I do have an announcement. It's 2012. We're on a roll for birthdays. But the birthday boy's not here. He usually has the gavel up there. It's Speaker Say's birthday. Could we wish the Speaker, when we see him. Happy birthday to Calvin. Can we applaud Speaker Say, even though he's not here? He's here in spirit."

Representative Ching: "Thank you, Mr. Speaker. Well it's that time of year, as you know. February. I wanted to announce that yes, today, February 1, kicks off Hawaii Grown Cacao Month. So in front of each of you, you are finding a sample of, I hope, you have a Waialua Estate invitation to the 2nd Annual Hawaii Chocolate Festival, Saturday, February 25 at Dole Cannery. It is from noon to five. And then you've got information and details of some of the benefits of chocolate, as well as a list of 10 reasons to support chocolate.

"But what I wanted to also show you, I thought I'd show you this future of Hawaii, as it's been called. A close-up look at this sacred plant. Those of you are aware of how we treat our lovely *koa* wood. We know that *koa* wood is special. We know that certain trees, the *ilahi*, sandalwood, was special. Well, I want you to make sure you look at this tree, that is not only one of the most environmentally sound, self-fertilizing trees. But it's a tree that was bought in by Chiefess Liliha's husband, Chief Boki, Governor of Oahu. Actually he was the first to think of bringing this beautiful connoisseur plant here.

"It is a sacred tree. Its botanical name is *theobroma cacao*, and it is sacred. This little baby is only six months old, but it's actually one of the fastest growing crops. So within 24 to 36 months it'll produce a pod. And there was a time when that pod was money, more valuable than silver and gold for the Inca, the Mayan and the Aztec. And only Hawai'i can grow it out of all 50 states.

"So I have some information for you folks. Some additional little information from *Huffington Post*, Can chocolate save Hawai'i? It's the brightest light on the agricultural horizon. Due to the fact that until we can figure it out, I don't know how easy it's going to be for us to compete ever in volume due to our amount of land and labor costs, but by golly, we can compete in quality.

"This is an award-winning plant, Mr. Speaker. This is the top of the line. This is the Trinitarian. And I hope this is way to keep green and open space, and give jobs to our people. Mahalo"

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

<u>H.B.</u> <u>Nos.</u>	<u>Re-referred to:</u>
425, HD1	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
1871	Committee on Energy & Environmental Protection, then to the Committee on Hawaiian Affairs, then to the Committee on Finance
2398	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs, then to the Committee on Finance

ADJOURNMENT

At 12:41 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Thursday, February 02, 2012. (Representatives Okamura and Say were excused.)

HOUSE COMMUNICATIONS

House Communication dated February 1, 2012, from CJ Leong, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day passed the following bill on Final Reading:

H.B. No. 905, HD 1, SD 1, CD 1